UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

DAVID G. JEEP,)	
Petitioner,)	
v.)	No. 4:09-CV-831 CAS
ROY MUELLER and ERIC HOLDER, ¹)	
Respondents.)))	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner, a federal pretrial detainee at St. Louis County Justice Center, has filed his petition on the grounds that (1) he is being detained against his will; (2) he is unwillingly being subjected to psychiatric evaluation; (3) he is being maliciously prosecuted; and (4) he has been provided inadequate counsel. The petition will be summarily dismissed.

On March 9, 2009, Special Agent Lyonel Myrthil of the Federal Bureau of Investigation ("FBI") swore out a complaint against petitioner in this district asserting that petitioner made email threats against several different Missouri state court judges, in addition to Deputy United States Marshal Robert O'Connor and President Barack Obama. A warrant was issued on the complaint and petitioner was arrested on March 11, 2009. At a hearing on March 13, 2009, the Honorable Terry I. Adelman detained petitioner and granted the government's motion for psychiatric examination.

¹Petitioner has named as respondent the United States Government. The proper respondent when a petitioner is in jail due to the federal action he is attacking is the officer having custody of the applicant. See Rule 2 of the Rules Governing § 2254 Cases. Because petitioner also challenges the federal government's prosecution of his criminal case, the attorney general would appear to be an additional proper respondent in this action. Id.

The detention and preliminary hearings were then stayed until a report of the psychiatric evaluation

could be filed and a competency hearing could be scheduled. See USA v. Jeep, No. 4:09-MJ-1052

TIA.

Because petitioner's criminal proceedings are ongoing in this Court and the claims he raises

in this action can be raised in those proceedings, petitioner's application for writ of habeas corpus will

be summarily denied.

Accordingly,

IT IS HEREBY ORDERED petitioner's application for writ of habeas corpus pursuant to

28 U.S.C. § 2241 is **DENIED**. [Doc. 1]

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

IT IS FURTHER ORDERED that petitioner's motion for hearing is **DENIED**. [Doc. 5]

A separate Order of Dismissal shall accompany this Memorandum and Order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 18th day of June, 2009.

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